

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CRIMINAL NO. 3:16CR51-HTW-FKB

TERESA K. MALONE

DEFENDANT

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MOTION FOR CONTINUANCE

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COMES NOW the Defendant, Teresa K. Malone, by and through counsel, and moves the Court pursuant to Rule 45 of the Federal Rules of Criminal Procedure for an order continuing the date set for sentencing currently scheduled in the above-styled cause, and in support thereof would show unto the Court the following:

1. That Defendant is set to be sentenced regarding the above stated matter on Wednesday, January 10, 2018 at 1:30 p.m.;
2. That on Thursday, January 4, 2018, Defendant was admitted to University Medical Center in Birmingham, Alabama for complications related to and resulting from a previous lung transplant;
3. That at this time, Ms. Malone's body is unable to maintain a stable oxygen level and is under constant care and respiratory treatment;
4. The prognosis at this time is undetermined as is the amount of time necessary for recovery and discharge; and
5. This motion is not made for the purpose of delay or harassment, but for the fair administration of justice.

WHEREFORE, PREMISES CONSIDERED, your Defendant prays that this Motion for Continuance be filed and that upon due consideration by this Court, an Order of Continuance will be granted to your Defendant until further order of this Honorable Court.

Respectfully submitted, this the 5<sup>th</sup> day of January, 2018.

TERESA K. MALONE, Defendant

By: /s/James R. Franks, Jr.  
JAMES R. FRANKS, JR. MSBN 100156  
Counsel for Defendant

OF COUNSEL:

WHEELER & FRANKS LAW FIRM, P.C.  
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CERTIFICATE OF SERVICE

I, James R. Franks, Jr., do hereby certify that I have this day filed via MEC the foregoing *Motion for Continuance* which has sent a copy via email to:

Darren J. LaMarca, Esq.  
Office of the U.S. Attorney  
501 E. Court Street, Ste. 4.430  
Jackson, MS 39201-5025

This the 5<sup>th</sup> day of January, 2018.

/s/James R. Franks, Jr.  
JAMES R. FRANKS, JR.